Vol. I, No. 2, July 1957

206

INDIAN CORRECTIONAL JOURNAL

OFFICE OF THE REGISTRAR OF BOOKS
14 OCT 1957
MADRAS

The official organ of the Indian Correctional Association

CONTENTS

Page

Editorial i

All India Jail Manual 1

Mental Health and the work of the United Nations in the field of the Prevention of Crime and the Treatment of Offenders 7
Prof. Manuel Lopez-Rey

Towards New Horizon in Penology 14
Dr. C. P. Tandon

Legal Aid to the Poor 22
Sri Sankar Prasad Mitra

A Common Probation Act for India 26
Sri P. Ramakrishnan

An Integrated system of Correctional Administration ... 34
Dr. P. K. Biswas

News and Notes 38

SL
Y:4:65m2,N57IC
N57.1.2
193340

...tion: Rs. 3/- Single Copy: 75 Naye Paise

EDITORIAL BOARD

Shri V. KRISHNA MENON, M.A., B.L.,
Working Editor.

MEMBERS

1. Shri C. P. S. Menon, M.A., M.SC., F.R.A.S., Ministry of Home Affairs, Government of India, New Delhi.
2. Shri D. J. Jadhav, Principal, Jail Officers' Training School, Poona.
3. Dr. P. K. Biswas, M.B., Inspector-General of Prisons, West Bengal, Calcutta.
4. Shri S. Parthasarathy Ayyangar, B.A., M.L., I.P., Officer on Special Duty, Railway Board, New Delhi.
5. Shri J. P. Gupta, B.A., LL.B., Secretary, Northern Region, Indian Correctional Association, New Delhi.
6. Shri H. C. Saksena, M.SC., LL.B., Deputy Inspector-General of Prisons, U. P. and Secretary, Eastern Region, Indian Correctional Association, Lucknow.
7. Shri J. J. Panakal, Head, Department of Criminology, Delinquency and Corrections, Tata Institute of Social Sciences, Bombay.
8. Shri D. V. Kulkarni, M.A., M.SC., D.S.S.A., Chief Inspector of Certified Schools, Bombay State, Poona.
9. Major Ram Singh, Inspector-General of Prisons, Rajasthan, Jaipur.
10. Dr. D. R. N. Sahu, M.B.B.S., Inspector-General of Prisons, Orissa State, Bhubaneswar.
11. Shri Syed Mohamad Hasan, Inspector-General of Prisons, Andhra Pradesh, Hyderabad (Dn.)
12. Shri A. V. John, Inspector-General of Prisons, Kerala State, Trivandrum.
13. Shri Noorul Haque, B.A., B.L., Assistant Inspector-General of Prisons, Bihar, Patna.

The Indian Correctional Journal is edited by the members of the Editorial Board and is published quarterly by the Indian Correctional Association.

The Indian Correctional Association does not necessarily endorse nor assume responsibility for the statements—whether fact or opinion—made by its contributors. Manuscripts are printed upon authority of the writers.

The Editor will be glad to consider articles of correctional interest for publication in the Indian Correctional Journal. Contributions should be typed in double-spacing. Photographs should be printed in black and white on glossy paper, and should be about post-card size.

Manuscripts (in duplicate), editorial matters, books and communications and requisitions for copies of the journal should be addressed to the Editor, Indian Correctional Journal 95, Mount Road, Madras-18.

The Indian Correctional Journal will be supplied **Free** to members of the Indian Correctional Association.

Indian Correctional Journal

The Official organ of the Indian Correctional Association

Editor:

Shri V. KRISHNA MENON

Vol. I | JULY 1957 | No. 2

193340

JL

Y:4:65m2,N57JC

N57:1:2

SOCIAL DEFENCE?

IN our ways of dealing with those who deviated from the path set for them by the law, we have been rather conservative and stagnant, and always on the defensive. One of the reasons for this failure to be more constructive is that we still persist in keeping out of sight, and putting behind us, the disquieting subject of crime and criminals. No wonder, the problem of crime and the understanding of the criminal has not kept pace with the growth of scientific knowledge or the seeming increase in the number of those who violate our laws. The problem grows, and yet, we, with all our knowledge, with all our effort, make such a slight impress upon the total problem. Certainly, the time has now come for us to turn our energies and our knowledge to the solution of some of these problems which have had to stand aside.

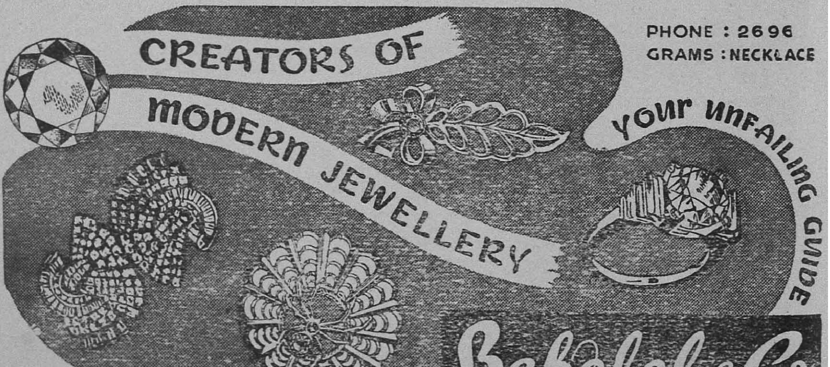
During the last few decades science and technology have made great strides, and they have been applied in the fight against diseases of the crops, animals and human beings. But it is a pity that the science of humanities, and especially criminology and penology, have not been able to make such headway, and that little advance has been made in the field of the prevention of crime and the control of delinquency. So far, we have not been able to isolate the virus of crime. So far, we have been attempting only empirical treatments for crime and criminals, even though we know that they take an increasingly larger toll of the life and property of our people. We have yet to realize that crime is not an abnormal thing, and that it is a normal though unwanted product of society as it is constituted today. Delinquency, both juvenile and adult, is a natural byproduct of social, community and / or mass forces; it is a normal part of the ordinary life of low-income, slum and over-crowded industrial areas. In America, England, and other western countries, rapid industrialization and urbanization created conditions in which crime not only generated, but flourished. An international survey undertaken by the New York Times correspondents reveals that despite all the latest methods and techniques for controlling and preventing crime, the young criminal still poses a very serious problem in cities as far apart as London and Melbourne, New York and Moscow. The real fight seems to have begun a little too late to control the situation in time.

In India, we are on the threshold of rapid industrialization. If experience is a guide, we may expect almost the same conditions to grow in this country too,—human nature being much the same the world over. Why then wait for young men to bud actually into criminals, and then treat them, and allow the hazard to become overwhelming? During the war years, no leader of any country ever once attempted to minimise the

dangers of war and the possibility of defeat. Crime and criminals are our public enemies at home. Through steadfast confidence in our ability to organize ourselves, and with full knowledge of the experience and techniques of other countries, why not begin a relentless fight against this internal enemy? Why not start an extensive and intensive campaign for the prevention of crime and the elimination of situations which make it possible for crime to breed? More than defending ourselves against the crime and criminal that *be*, why not initiate a massive offensive against the crime and criminal *to be?*

We have entered upon a new era of social planning. There is no problem that arises from the fact that people must live together harmoniously that the self-same people cannot solve by co-operative effort. The time for piece-meal attempt has gone. The time for waiting for the criminal to ripen, fall into our lap, and get treated and cured, has long been over. Before the memories of our tremendous struggle for Independence grow dim, let us pledge that the resolution, the imagination and the resources invested in our fight for *Swaraj* will be brought to bear in our fight against the growth of crime in our country and in the restoration to society of those who still become the products of our social dislocations.

V. K. MENON.



All India Jail Manual

In the last number it was stated that the Government of India constituted an All India Jail Manual Committee consisting of the Inspectors-General of Prisons of Bombay (Convenor), Madras, West Bengal, Uttar Pradesh, Punjab and Kerala, the Regulations Officer, Ministry of Home Affairs, Government of India, and Sri J. J. Panakal, Chief of the Faculty of Correctional Administration in the Tata Institute of Social Sciences, Bombay, with power to co-opt a Superintendent of the Bombay Jails and an expert on Probation as members of the committee. The Committee accordingly co-opted Sri V. Krishna Menon, Chief Probation Superintendent, Madras State and Sri D. J. Jadhav, Principal, Jail Officers' Training School, Poona, Bombay State, as members of the Committee.

The Committee has been entrusted with the task of—

(*i*) preparing an All-India Skeleton Jail Manual,

(*ii*) examining the Prison Acts and other relevant Central laws and suggesting any necessary legislation ; and

(*iii*) making proposals for prison reforms to be adopted uniformly throughout the country.

The Committee has also been asked to examine and make recommendations on the following specifications:—

(*iv*) classification of prisoners from the standpoint of how far classification on adequate lines for the purpose of reformative treatment is necessary or feasible at present and what mechanism and methods are to be adopted for such classification in the present circumstances,

(*v*) abolition of short-term sentences and provision of alternative measures,

(*vi*) smoking in jails,

(*vii*) care of children of women prisoners ; and

(*viii*) standardised forms of jail statistics.

The first meeting of the Committee was held at Bombay between the 24th and the 26th June, 1957, and was inaugurated by Sri Y. B. Chavan, the Chief Minister of Bombay. Sri R. G. Salvi, Inspector-General of Prisons, Bombay, welcomed the members and introduced them to the Chief Minister. In doing so, he said: "The task that lies ahead of us is quite broad-based and comprehensive. We are required to examine the Prison Acts and other relevant Central laws and suggest necessary Central Legislation. We are also required to make proposals for prison

reforms to be adopted uniformly throughout the country. The Government of India have directed this Committee to examine and make recommendations regarding classification of prisoners, abolition of short term sentences and provision of alternate measures, etc. A mere glance at the list of topics which we will be discussing here, will indicate as to how practically the whole of crime as a social problem will have to be examined. Only when we look at this problem in its totality, our suggestions and proposals will be effective. Without being cynical or critical, I may mention here that it is my feeling that whatever prison reforms have been introduced in Indian Prisons have only been piecemeal. These reforms, on the whole, are nothing more than granting a few amenities and facilities to prisoners. These prison reforms can thus be termed as reforming conditions of living in prisons, rather than reforms to help the rehabilitation of the prisoner in society. Of course, these various prison reforms or reforming conditions that have been introduced in our prisons have achieved what we may call a humanitarian phase, but this by itself is not enough. If our prisons have to be treatment centres, where correction, reformation and rehabilitation of the socially maladjusted becomes possible, then I am sure, you will agree with me when I say that the phase of humanitarian prison administration will have to be developed into an operation through which the correction of the anti-social becomes feasible and practical. This operation has essentially to be an integrated and co-ordinated programme ".

Sri C. P. S. Menon, Regulations Officer of the Government of India in requesting the Chief Minister to inaugurate the work of the committee spoke as follows :—

"We are indebted to the Chief Minister for his kindly agreeing to address this opening meeting of the Committee. We can assure him that we shall draw inspiration and encouragement from his support and that we consider this as a good augury of the success of our efforts. I think it is particularly appropriate, if I may say so, that the Chief Minister, Bombay, is addressing us at this inaugural meeting of the Committee, since it is an offspring of the 8th Conference of the Inspectors-General of Prisons held at Bombay in 1952 and which was inaugurated by his illustrious predecessor Sri Morarji Desai, then Home Minister, Bombay ".

" It is worthwhile recalling here some of the statements that Sri Morarji Desai made on the occasion of inaugurating that Conference; these are of value for our guidance in framing a new Jail Manual. He started by saying 'it is not enough to consider a prisoner merely as a prisoner and as one who is undergoing a sentence of imprisonment for having committed a certain offence. If you want to see that the prisoner is reformed and does not commit crime again, you will have to consider various aspects of his life and the conditions of society too. You will have, therefore, to bear in mind all the aspects which have a bearing on a prisoner's life, not only inside jails but also outside them'. After referring to his experiences of prisoners

The members of the committee being introduced to the Chief Minister.

Sri C. P. S. Menon, Regulations Officer, Ministry of Home Affairs, Govt. of India, addressing the meeting.

Sri Y. B. Chavan, Chief Minister of Bombay addressing the meeting of the All India Jail Manual Committee.

Sri R. G. Salvi, I.A.S., Inspector-General of Prisons, Bombay, (Convener) addressing the meeting.

while he was inside jail, he proceeded to remark at length on the officers' attitude to the prisoners. He said,—'To my mind a prisoner is not a matter of contempt. Even the worst criminal, as you call him, is after all a human being as good or bad as any other outsider. Some men may have done some act which may be very bad according to the standards which are prevalent in the society in which we live, and yet everybody who does that wrong act is not found out. Some are found out, many are not, and we, many a time, show contempt towards the people who are found out and put on superior air ourselves......' And again, 'whatever remedies you can find out to treat prisoners, unless your attitude changes, and you consider that the prisoners inside the jails are really human beings and ought to be treated as human beings equal in self-respect to your self-respect, you will never be effective in whatever you do, because you will affect them only in so far as you extract from them the same respect for you and also good feeling for you and that cannot come unless you behave on equal terms with them...'. Referring to the reforms introduced in Bombay he said, 'they have been introduced in order that prisoners may improve, may consider the necessity of improving themselves and may come out of the jails reformed. The attitude that we have, or that we in this Government have towards crime is this: we consider crime as a disease and it has to be treated as a disease. Just as a doctor has to prescribe various things for treating the ordinary diseases of life and he has to prevent the patient from eating certain things or from moving about or from doing certain things, these prisoners who are also suffering from the disease of crime, as you may call it, have also got to be prevented from doing certain things in order that the treatment may be effective, *i.e.*, in order that they may themselves realise the necessity of behaving in a way whereby they will lose the urge to crime... I do not believe that people welcome going to jails. I do not think that any one but a perverse person would welcome going to a Jail and perverse persons have got to be treated as perverse persons. Just as there are certain diseases which are communicable there are certain diseases in crime also which are communicable and I believe that such persons should be segregated and then treated as human beings. They should be made to live a trained life in prisons so that they lead a fairly happy life, but an ordinary person who is not perverse will be amenable to kind and disciplined treatment. That is why, while being kind, one must not forget the necessity of discipline, but that discipline must be one which the prisoners also must be made to take to kindly and do it voluntarily as far as possible. If it becomes a routine, then it will not be possible to get the full benefit from that discipline'. He, however, warned against comparing ourselves to various other countries. 'To a certain extent the comparison is very useful. But if it goes beyond that limit, it will be most harmful. What may be good in America or in England may be very harmful for us here, because the impulses are differently regulated in different countries. Even where the impulses are the

same, different sections of society develop differently on account of different circumstances and they act differently and have different results. Therefore, we have got to treat them with different methods. But the fundamentals of all human beings are the same. We have to consider our problems differently in relation to the conditions in our country'.

* * *

We are aware of the gravity and importance of the task entrusted to us. The Jail administration in most of the major States is based on Jail Manuals or Codes which started nearly a century ago; with a few occasional revisions, they have continued for decades, *e.g.*, the first Prison Code issued in 1864, was revised by more elaborate Jail Manual three years later; the edition of 1896 lasted for about 40 years with nominal changes, until replaced by the present Code which has continued to remain in force. In a sense, modern prison reform in India may be said to have started with the Indian Jails Committee Report 1920, which defined the aim of prison administration as "the prevention of further crime and restoration of the criminal to society as a reformed character." It stressed the need for shifting the emphasis from punishment of offenders to their reformation and recommended various measures for the purpose. But with the constitutional reforms "Jails" became a State subject and that Report seems to have been relegated to the background, though some isolated reforms were introduced in Jails. Greater interest in prison reform came to be taken after Independence with the assumption of responsibility by our national leaders who had direct experience of the conditions inside jails. Government of India had earlier circulated to States a set of Draft Standard Minimum Rules for the treatment of prisoners prepared by the International Penal and Penitentiary Commission of the League of Nations and these were available to the Reforms Committee. Jail Reforms Committees were set up in quite a few States, who have made excellent recommendations for the improvement of Jails on modern lines. Recommendations have also been made by Dr. Reckless in his Jail Administration Report. Though some of the reforms introduced by State Governments have been incorporated into the Jail Manuals, the structure of the Manuals has continued without any substantial alteration. The Jail Manuals were designed entirely for the purpose of holding the prisoner in custody and keeping him in tolerably good health with a provision of more than adequate amount of work. The change over from the earlier negative approach to the present constructive approach of reforming the offender makes it necessary that we should have an entirely new type of Jail Manual. At the same time, we cannot forget the stern realities of having to keeping the prisoner in custody, and the necessities of discipline and security; it has even been suggested that the prisoner should not get used to greater luxuries inside the prison than outside. There are also financial limitations as mentioned before. While we may have to plan for ideal conditions of treating offenders, for reception centres, diversified institutions,

etc., it might be of little use to have plans in the Manual which cannot be given effect to because of the financial stringency or other circumstances. In making our recommendations, therefore, I hope we shall have recourse not only to the philosophical principles governing the problem of the reformation and rehabilitation of the offender but also to the wisdom of the practical administrator".

Sri Y. B. Chavan, Chief Minister of Bombay, in his address expressed the hope that the committee would have a comprehensive and integrated approach to the whole problem of crime and that the All India Jail Manual prepared by them will be a Declaration of Principles rather than a mere compilation of rules and regulations. Extracts from his speech are reproduced below:

"I have been always deeply interested in the question of Prison Reforms because I believe that crime is essentially a major social problem. Crime is one of the oldest problems which society has been required to tackle from its very beginning. Since times immemorial efforts are being made to solve this problem. In our oldest scriptures, *i.e.* in Upanishads and Smritis reference is made to this question. Great thinkers and philosophers like Manu, Yadnavalkya, Brihaspati, Panini and the greater philosopher-diplomat Chanakya have devoted their thinking to this problem. In other countries too social philosophers have attempted to tackle this problem. In brief, crime is a universal and old social phenomenon. Since the last couple of centuries this problem is receiving the attention of social scientists. It has been now universally recognized that the problem of crime needs to be handled in a scientific manner. Since the advent of freedom this trend is also discernible in our country. During the last 10 years we have been looking at this problem with a new consciousness and different perspective. This can be seen from the various prison reforms that have been introduced in various states and I take this opportunity of felicitating the Government of India for having given a further fillip to this question by the appointment of a committee to consider this problem on an all India level. I am sure your deliberations here will not only be fruitful but they will have far reaching effects in the fields of systematic and methodical handling of crime as a social problem.

In this great sub-continent of ours we have undertaken a great experiment of building up a Democratic Republic, which in fact, is the largest in the whole world. We have a Constitution under which certain Fundamental Rights have been guaranteed. Not only this but our Constitution contains a basic social policy on the patterns of which we have been and are building up this great Sovereign Democratic Republic. Democracy is not an empty word. It connotes various obligations and responsibilities. A democratic Government while functioning within the framework of various freedoms has always to extend the basic safeguards and securities of human social life to its people. The problem of crime has to be viewed against this background. Crime means

violation of laws. It also means violation of duties and responsibilities imposed by law. Crime inflicts injury on society, *i.e.*, on human life, property, morals and various value-schemes which are sacred and necessary for a healthy and harmonious growth of society. As soon as there is crime, society is harmed. Crime means a breach of social order, social solidarity and social peace. In view of these circumstances, it devolves on a Democratic State to see and ensure that the crime problem is handled in such a manner that the breach in social security and solidarity is repaired and the common man gets the essential securities of life. This, no doubt, is a very great responsibility, and if I may venture to state, the success of democracy depends much on the sense of security the common man feels. My intention in placing these thoughts before you, gentlemen, is that in view of our present social structure and especially in view of the fact that we are building up a democratic form of government, it has become all the more essential for us to look upon crime as an urgent social problem which needs deep scientific thinking so that ultimately we will be able to handle it effectively. I want to emphasise only one point here, and that is, the problem of crime assumes a different connotation in a democracy and we must attempt to solve it essentially keeping this perspective in mind.

Crime is not a localised issue. The urban areas have crime ; so also the rural areas. Crime is not only an inter-state problem but quite often it transcends national boundaries and becomes international. In view of this all-pervading nature of crime, the measures required to combat this problem have also to be all-pervading. Perhaps this Committee might devote some thinking to this issue and suggest means and measures to tackle this problem on an all India basis.

Crime is not an isolated factor. It is an outcome of various backgrounds. It is said that "crime is a bio-psychological and socio-economic problem". It is my belief that this problem cannot be solved only in prisons and that we must seek remedical measures also beyond the prison walls. As the adage goes "Prevention is much better than cure". It is necessary to view this question from various angles, *i.e.*, prevention, control, investigation, adequate punishments, treatment, and finally after-care of the released prisoners. When all these phases are properly inter-linked, then only we can rightly say that our approach to this problem is systematic and methodical.

A comprehensive approach to this issue would no doubt involve comprehensive planning. An abnormal increase in the incidence of crime is an indication of social dis-organization. Evidently, we shall have think in terms of reorganising society which means socio-economic planning, strengthening of the various social Institutions and mustering the co-operation of various social service agencies for the purpose of prevention of crime. But prevention will not be enough. We must also think in terms of effective control and investigation of crime. It is a popular mis-belief that in the field of control and investigation of crime

only the Police have to operate. In fact, crime can be adequately controlled and investigated only when the Police get the full co-operation of the public. May be, in this field, we will have to think in terms of developing a social consciousness amongst the public so that the control and investigation of crime becomes a police-cum-public operation. We shall have to think in terms of educating our citizens in these fields. In spite of preventive and controlling measures there will still be some crime which will have to be punished by a Court of law. In this reference I may mention just in passing that, while fitting the punishment to the crime, we shall have to think in terms of fitting it not only to the offence but also to the offender. This indeed is a riddle of jurisprudence. But still we shall have to devote some serious thinking to this topic so that the punishment can be fitted to the offender and in addition to being deterrent it can also be reformative. Reformation and rehabilitation of the offender have been universally accepted as the chief objectives of punishment. Thus in the process of punishing him we shall have to think also in terms of how to reform him so that he discards his anti-social way of life and finally becomes a useful social unit, *i.e.* useful for social growth. This is the question which the Prison Administration has to tackle. Prisons will have to function as units where the reformation of prisoners becomes possible. They will have to be places where correctional work is put into active operation. In brief, this is the field of correctional treatment. Then comes effective aftercare of the released prisoners. Society must accept the released prisoner, so that he gets rehabilitated. I am reviewing all these factors, Gentlemen, because it is my firm belief that if we want to adequately handle the crime problem, we must have a comprehensive and integrated approach. Perhaps you can deliberate on such a comprehensive, multiphased and multi-dimensional approach so that the All India Jail Manual which will be drafted by this committee will be virtually a Declaration of Principles rather than a mere compilation of rules and regulations.

Some of the urgent problems in this field that occur to me are the questions of Juvenile Delinquency, Adolescent Crime, Habitual criminality, Simple imprisonment, After-Care Programmes, etc. I have only listed the major problems here with the earnest hope that this Committee will deliberate on them and suggest measures for effective handling of these problems.

The type of Prison Administration which will be developed out of your suggestions may need specially trained prison staff for the purpose of successful implementation of various prison reforms and for making prisons centres for reformative treatment of the offenders, or as Mahatmaji said, "Social Hospitals". Training of Prison personnel is also of paramount importance and I may suggest that this committee may deliberate on this point also".

—★—

For Special Occasion and General Use

FAMOUS HOUSE FOR

HANDTEX FABRICS SAREES AND DHOTIES

Awarded First Prize for our Quality

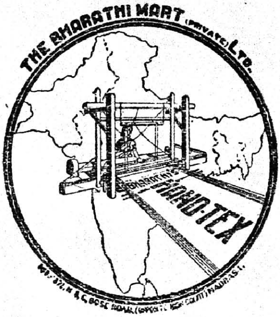
Handtex Sarees and Dhoties by the Government of Madras.

★

THE BHARATHI MART (Private) LTD.

369/371, Netaji Subhas Chandra Bose Road
(Opp. High Court) MADRAS-1.

★



Retailers to :—**B & C Mills, and Mettur Mills Products.**

Stockists of :—**All kinds of Handloom Dhoties and Sarees (Cotton and Silk).**

AEROPLANE QUALITY & SUBMARINE PRICES	*FOR*	FOOTWEAR & TRAVEL REQUISITES

AT

GENERAL LEATHER CO.

MANUFACTURERS OF :

**SHOES, SLIPPERS, CHAPPALS, SANDALS
AND ALL LEATHER GOODS**

171, BROADWAY :: MADRAS-1.

REPAIRS UNDERTAKEN

Mental Health and the work of the United Nations in the field of the Prevention of Crime and the Treatment of Offenders

BY

Prof. MANUEL LOPEZ-REY,[1]

Chief, Section of Social Defence, United Nations.

The Social Commission and the Economic and Social Council, both of them the policy-making bodies most directly concerned in the United Nations with social policies have maintained since 1946 a programme of work devoted to the prevention of crime and the treatment of offenders. Within the Secretariat, the Bureau of Social Affairs and as part of it, the Section of Social Defence, are in charge of the implementation of this programme.[2] At present this programme embraces the following subjects: juvenile delinquency, prevention of types of criminality resulting from social changes and accompanying economic development in less-developed countries; probation; abnormal, habitual and sexual offenders; prison labour; short-term imprisonment and prostitution and traffic in persons.

All these activities and the corresponding international co-operation organised by the United Nations are considered from a social point of view and directed towards the improvement of national policies and practices for the prevention of crime and the treatment of offenders. In the activities along these lines, the United Nations pays due attention to scientific and technical advances, but both are to be regarded as subsidiary to (a) regional characteristics, and (b) the social aim of recovering human capital as far as possible and preventing the loss of such capital. Accordingly, the fairly common view that social defence policy relates only to certain groups, namely, offenders and prostitutes, is only partly correct. By definition, preventive policies or programmes are not directed to a particular group but to Society in general. The conclusion

1. The opinions expressed do not necessarily represent those of the different organs of the United Nations.

2. The term "social defence" is purely conventional and refers to the following activities: (a) the prevention of crime; (b) the treatment of offenders; (c) the suppression of prostitution and (d) permanent administrative action in connexion with these activities: organisation of seminars, appointment of experts; granting of fellowships; attendance at international conferences; etc. For a more detailed description, see Manuel Lopez-Rey "International Co-operation by the United Nations in the Prevention of Crime and the Treatment of Offenders" in "The British Journal of Delinquency", V, 2, 1954.

would be that an adequate social defence policy should be directed towards all social groups and individuals without exception because any person may become an offender at any time, there being no such thing as immunity to crime. Although envisaged as a social problem and therefore closely related to other social problems and their respective policies and programmes, the prevention of crime and the treatment of offenders require specific programmes and policies. In other words, the inter-dependence of social problems should not lead to the conclusion that the solution of a particular social problem necessarily presupposes the solution of another related problem. As far as social defence policies are concerned this observation is particularly important inasmuch as it is sometimes asserted that a general improvement of living conditions or a high standard of living or the increasing of the number and effectiveness of social services will decrease crime and more particularly delinquency. It cannot be denied that such policies may reduce or even wipe out some types of crimes, mainly minor crimes of an economic character, but an improvement of living conditions or, for that matter, the increase of social welfare services, do not eradicate crime. Thus among other possible examples, in the United States, with one of the highest standards of living, crime and delinquency are steadily increasing and in Sweden, which is by many considered as the typical social welfare State, one of the biggest problems facing judicial and administrative authorities is the prevention of juvenile delinquency and the care of juvenile offenders. In Sweden it has been found that three-quarters of the juvenile offenders who received care have returned to crime.[3] Briefly, it seems that although satisfying evident needs, and therefore being fully justified, better housing and better social policies are only indirect ways and means for the prevention of crime and delinquency. This conclusion is in accordance with the following criminological conclusions: (*a*) crime and delinquency are due to a variety of factors not all of them social; (*b*) crime is found in all social sectors, regardless of their living standard, although its incidence varies; and (*c*) the improvement, and therefore change, of general living conditions in turn gives rise to new forms of living and consequently to new forms of conflicts, crime and delinquency.

Mutatis mutandis these remarks apply to the relationship between mental health policies and programmes and those dealing with the prevention of crime and the treatment of offenders.

If we look at the United Nations programme of social defence we can see that very often the question of mental health plays an important role in the preventive as well as the

3. For the U. S. A. statistical data and literature indicating the increase of crime and delinquency are very well known and it will be unnecessary here to refer to sources. Suffice it to say that the statistics of the F. B. I. and those of the Children's Bureau, Washington, and some interesting reports of the American Senate should be consulted in preference to some exaggerated and somewhat dramatic publications. With respect to Sweden also statistics are available. An objective description of the situation in the country may be found in "Sweden, The Welfare State" by W. Fleisher, N. Y., 1956.

treatment aspect of this programme. This explains why from the very beginning close co-operation with the World Health Organization was set up. Recently, this co-operation has been still more marked in dealing with juvenile delinquency and abnormal offenders.[4] It will be indispensable in the study of the rapid growth of urban society and the process of industrialization and the parallel general increase of crime and delinquency. The belief that a relation exists between these phenomena has been somewhat reinforced by the contention that the rate of urban crime is higher than that of rural crime. Furthermore, it has been said that mental health is more easily impaired in urban environments than in rural ones. Whatever are the answers to these questions there is no doubt that the rapid and sometimes gigantic growth of urban society is conducive, especially when it is not planned in all its main aspects, to crime, delinquency and the deterioration of mental health. The rapid growth of some cities in Asia, Africa and Latin America raises problems and conflicts which do not always appear to the same extent and with the same gravity in more highly developed countries. This by no means implies that in the cities and urban areas of these countries there are no problems or conflicts conducive to crime, delinquency and prostitution, but simply that the clash between different patterns of life and even races is sometimes more noticeable and probably more acute in the gigantic growth of cities like Karachi, Cairo, Djakarta, Sao Paulo, Casablanca, Accra, etc. The rapid growth of cities is often more or less parallel to, or a consequence of political partitions, the arrival of a great number of refugees or displaced persons, the achievement of political independence, internal political unrest, tense relations with other countries, consistently poor harvests or poor living conditions in certain areas of the country. To what extent these and similar factors imply the disruption of individual and collective patterns of life, and to what extent this disruption means crime, delinquency and prostitution, and what is the role played in these disruptive forms of human behaviour by mental illness or disorders is easy to presume but difficult to determine. It is with respect to this question of ascertaining the respective role played by various factors that we would like to point out some of the difficulties arising from the use of the term "mental health" in connection with the prevention of crime and the treatment of offenders.

It is well known that the difficulties in studying and eventually solving a particular problem are determined not only by the complexity of the elements involved and the methods employed, but also by the clarity and accuracy of the terms used in connection with the problem under consideration. Many of the difficulties

4. To cite a recent instance, at the Third Meeting of the United Nations European Consultative Group on the Prevention of Crime and the Treatment of Offenders, Geneva, 1956, the question of abnormal and habitual offenders was discussed. The W. H. O. participated actively in these discussions and will participate not less actively in the Working Group on abnormal and juvenile offenders which will meet in Strasbourg this year to continue the study of the question submitted to it by the European Consultative Group.

encountered in the study of crime and delinquency are still originated by operating with concepts of crime and delinquency which do not correspond either to the prevailing system of values or to an impartial appraisal of reality. Thus, for many, delinquency has been and still is identified with maladjustment, the conclusion being that all juvenile offenders are maladjusted people and should be treated accordingly. The overgeneralization of this theory has led in many a country to an inflation of the problem of juvenile delinquency and to the multiplication of services, agencies, committees and institutions otherwise unnecessary.

With respect to the formulation of the concept of mental health, so important in the implementation of policies and programmes dealing with the prevention of crime and the treatment of offenders, we venture to say that the terms "adjustment" and its opposite "maladjustment" are also playing a role which is open to some criticism. There again by overgeneralizing the prerequisite of being "adjusted" the problems of mental health seem to be somewhat inflated. The impression left after reading some papers on mental health problems is that the majority of people are maladjusted and that most of them are in need of mental and other kind of counsel. The question is not whether we are maladjusted but what kind of maladjustment actually means lack of mental health. To say that adjustment or for that matter integration or a well-adjusted personality, imply sound mental health or that the lack of adjustment is a definite indication of lack of mental health, seems to be no more than an overgeneralization and as such an oversimplification which makes the solution of the problem extremely difficult.[5]

Apparently the "maladjustment" theory is in need of revision. What in fact was no more than a term used to express a particular condition or aspect has now become a general theory. Even assuming that "maladjustment" refers to a variety of elements or factors or that it represents the ultimate condition caused by them, the wide use of the term would still be incorrect.

Although closely related, "maladjustment" does not necessarily mean lack of mental health just as it does not necessarily imply delinquency. In fact, juvenile offenders like any other offenders may be very well adjusted people.[6] Also a feeble-minded person may be very well adapted and on the contrary a sound and even exceptionally intelligent person may be somewhat maladjusted. It would seem that we are considering as equivalent to maladjustment things such as bad behaviour, delinquency, oddness or even educational subnormality.[7] None of these automatically indicates maladjustment or

---

5. For definitions of mental health, see, i. a. "Mental Health and Mental Disorder" edited by Arnold M. Rose, 1956.

6. See, "Juvenile Delinquency" by J. D. W. Pearce, 1952.

7. See, "Report of the Committee on Maladjusted Children", Ministry of Education, H. M. S. O., 1956, London.

lack of mental health. If adjustment implies a certain amount of harmony between ourselves and others, we should remember that human personality, the community and the environment, all have a dynamic character. The conclusion is two-fold: first, adjustment, and this is widely admitted, is not static but extremely dynamic, and secondly, that since it is continuous, there is always a normal, natural and healthy gap between striving for adaptation and adaptation itself. This means that all of us are in different degrees maladjusted or unadjusted. As already said the difficulty is to determine the degree of maladjustment which in a particular case really leads to a loss of mental health or when this degree of maladjustment has been caused by a lack of such health. In other words, absence of mental health may be the result of some kind of social maladjustment or, on the contrary, the latter may be caused by a lack of mental health.

Again, contrary to what has been stated by some writers, adjustment cannot be identified with conformity and even less with happiness. In fact, very often human beings are discontented with things as they are. Historically, human dissatisfaction has been one of the most important forces behind many aspects of human progress. Furthermore, maladjustment does not necessarily mean anti-social behaviour and *vice-versa*.

For these and other reasons, in the same way that the definition of crime and delinquency cannot rely on the vague meaning of maladjustment so widely used, the concept of mental health should have a firmer basis than that of maladjustment. Politically, the question arises as to what extent the theories demanding the maximum of adjustment are not somewhat dangerous, especially when it is stated that conformity and integration are symptoms of mental health and even of happiness.

The overgeneralization and oversimplification considered here have led many to the conclusion that the theory of "maladjustment" is the basis of a variety of social theories. This explains statements like those describing past societies as static and the family of the past as authoritarian while that of our times is defined as democratic. No society has ever been static. With respect to the authoritarian and democratic families, it would seem that there again we are facing a widely used overgeneralization. For the same reasons, it is difficult to accept the opinion that "Delay in social adjustment to technological change increases the problems of personal adjustment".[8] Fortunately, life is far more than technological changes and it can well happen that people refuse or resist such changes without being either maladjusted or lacking mental health.

It is also difficult to accept the theory that the more a person participates in social life the less he is inclined to crime and delinquency or to suffer from lack of mental health. There is no doubt that to be "socialized" facilitates a certain amount

8. See "Mental Health in Modern Society" by E. W. Burgess, in *op. cit.* in footnote 5.

of success and therefore of individual well-being and to some extent indicates good mental health. However, it is also true that the "socialized" person, *i.e.* the person who joins with others in defining the objectives of his society and participates in the attempt to realize them, is not necessarily well-adjusted or enjoying mental health.[9] In some instances one may wonder if especially in certain countries the lack of "adjustment" or of mental health is not one of the main determining factors leading some of the "socialized" persons to the participation in "socialized" life, especially that constituted by being active in committees, agencies, campaigns, etc., all of them aiming in one way or another to the definition of objectives or at the guidance of the community.

The prevailing opinion that a well organized society facilitates the mental health of its members may also give rise to some doubts. The first difficulty is to determine what is a well organized society, and the second that of determining whether the percentage of destructive acts, admittedly considered as indexes to lack of mental health, are not more frequent in societie generally considered as well organized. With reference to homicide, suicide and alcoholism, Fromm offers a series of tables which in the writer's opinion permit the conclusion that if these destructive acts are counter-indications of mental health, something more than good general social organization and active participation in social life are needed to find a definition either of adjustment or of mental health. According to these tables, out of sixteen countries listed the first five places concerning suicide correspond to Denmark, Switzerland, Finland, Sweden and the United States. As for homicide, the United States has the highest rate and Finland the third one—Portugal being the second. With respect to alcoholism the first five places correspond to the United States, France, Sweden, Switzerland and Denmark.[10]

From the foregoing the following tentative conclusions can be drawn:

(*a*) The prevailing functional conception of adjustment cannot fully explain either crime or delinquency or for that matter mental health;[11]

(*b*) The overgeneralization and parallel oversimplification of the terms "adjustment", "maladjustment", "maladjusted" and the like have led, as far as crime, delinquency, prostitution and mental health are concerned, to conclusions which need revision; and

(*c*) Although mental health and other social services are needed and will be needed, the solutions of the problems of crime, delinquency and mental health lie beyond the

9. For the definition see, Burgees, *ibidem*.

10. See "The Sane Society" by Erich Fromm, 1956, pp. 8-9. With respect to alcoholism Norway. Finland, Australia, England and Wales and Italy follow in that order.

11. This functional conception is maintained by those writers who speak of "achievement of goals"; "integration"; "meeting the expectations of society"; "effective participation in defining aims and purposes of the community", and the like.

line of a functional and service system of life. They lie in whether or not man will be able to make a re-evaluation of the prevailing as well as imposed system of values. What is important is to enable him to be less and less in need of counseling or assistance. This does not mean that he should not be advised or helped but simply that by the inflation of social problems he is reduced to no more than a continually helpless human being. This evaluation will not be easy and will imply the revision of norms, laws, regulations and social and mental policies which should aim at the ultimate subordination of the material to the spiritual. Actually one wonders whether the present use and abuse of the term "maladjustment" is not another expression of the materialistic mentality and way of life of our time.

—★—

AMRUTANJAN

THE

PAIN BALM

Conqueror

of

Pain

AMRUTANJAN LTD.

MADRAS-4

BOMBAY-1

and CALCUTTA-7

Towards New Horizon in Penology*

BY

DR. C. P. TANDON, P.M.S.I.,

Inspector-General of Prisons, Uttar Pradesh.

32 years ago I came to this city,—one of the largest, premier and renowned cities of our country which has the best of sea-beaches. Those impressions of the first visit are still vivid in my memory because of the life, charm and beauty which have always attracted me. I did not come to this great city as a gay-visitor, sight-seer or tourist. I had a mission to fulfil, which was of learning the art and practice of midwifery in the Egmore Hospital that was, and still remains to be, the largest and one of the very best hospitals not only in our country but throughout this region of the world. The excellent teaching and clinical work of the hospital is still fresh in my memory and I cannot forget the lessons that I took under the renowned teacher, administrator and leader, Dr. Lakshmanaswami Mudaliar. 32 years ago I came to study your art and practice of bringing child into this world. Today, I have another mission equally noble, of coming here, to study how you handle the development of the children and their growing up as healthy, happy and useful citizens. The pioneer and useful work that you and your Government are doing here has been appreciated by my Government at whose command I am here, to learn the experiences that you have in this field. I am still at the job, and I would, therefore, refrain from making any comments that are bound to be premature and early. Permit me, therefore, to present before you, to-day, some of the features of handling adult offenders in my State. The last Madras Jail Reforms Committee, that worked under the able guidance of a retired Judge of the Madras High Court paid high tributes to the work that we were doing at the Model Prison, Lucknow, and recommended to the members and others to visit that institution. The word '*Model*', in my opinion, is very high-sounding, and throws upon us a very great responsibility. At the same time, the values and ideals change, and in this dynamic world of growth and development the model of today soon gets outdated and out-moded the very next day. It shall be my humble effort to explain in what meaning of the term are the experiments and efforts at the Model Prison really *Model*.

Crime is eternal. It is as eternal as the world, or, more concretely speaking, the society we live in. The existence of the world as has been explained in several religious scriptures, is traced to the fallibility of the first human being, which was occasioned at the instigation of the Satan or by an inner urge or emotional press. As soon as we conceive of a social group or society, we are

---

*Speech delivered at Madras at a public meeting held under the auspices of the Correctional Association.

faced with the problem that some human beings must fall out of the common pattern of behaviour. The existence of society rests on the fundamental basis of unanimity in the outlook and behaviour of the members of that group. Norms and values develop out of that. It was clear that for the very existence, it was necessary for an individual to give up a certain amount of his individual freedom and curb his individual likes and dislikes, urges and needs, for the common interest of the welfare of the society. Thus arose the social sanctions which gradually developed into well practised codes of moral and still later, legal sanctions. Kama, Krodha, Lobha and Moha *i.e.* passion, anger, greed and attachment, have worked in every human heart at all times and at all places. Aberrant social behaviour has always been due to one or a combination of these basic urges from within. The culture of cultures, civilisation, religion, law and, what is now termed social defence and reconstruction has been the art, philosophy and practice of beating against the irrational, misguided, harmful, ill-placed or uncontrolled behaviour of any or some human beings, the direction and kind of manifestation of which have been increasing at a speed as parallel, if not faster, than the other developments in society in its various fields of science, art and technology.

We complain of the increasing incidence of crime. Dr. Manuel Lopez-Rey, speaking the other day at Lucknow remarked that if the incidence of juvenile delinqency is maintained at the present pace of increase, by 1960, there would be more juvenile delinquents than the number of babies born in a year in the United States. These figures lend a growing feeling of insecurity and some amount of frustration and anxiety at our helplessness in meeting the situation, because it is true both in the field of juvenile as well as adult delinquency. So far, the effort in the main has been for the multiplication of laws and sanctions. You would agree with me when I say that the number of Laws, Acts, Rules and Regulations that operate upon the common man are so many that not even 10% of the population may be very well familiar with all of them; it may also not be incorrect to say that there is no man who is familiar with all these laws and regulations. It is an important point that deserves some consideration. How, after all, is a common man expected to follow that of which he is not even aware of? Ignorance of law is no excuse. True, that is the legal stand that we take and by which we live and practise in our courts of law. The question is that if the education, training and guidance of its members is the responsibility of the society, how far is that important function being carried out? In the absence of that duty being discharged adequately, does the responsibility for the failure of any member lie with the member or the society? That is an important point. In our courts of law we have been assessing the individuals's responsibility in all acts of crime without caring to investigate or making the society share any responsibility for the criminal deed.

4

Thinking has gone on for a long time on those lines. We have tried to make more and more laws, increase the detection and supervisory agencies, and punish those who offend these laws. This has been our concept of prevention of crime and treatment of offenders. The increase in the rate of juvenile delinquency is an open denunciation of this policy. We have been making one effort after another in utilising one approach more than another to discover the causes of crime. We have borrowed from the better developed sciences of medicine that the best ideal is to discover the aetiology of disease, its causation, and then to tackle the very roots or the cause of the disease rather than merely try to attend to the symptoms of the case. Symptoms are just the signals that indicate the dangerous condition underneath. It only means to point the way in which to look for the malady, but in themselves they are not the malady. That approach has been very successful, in developing the field of medicine. That scientific methodology has been taken and developed in several other fields including the fields of criminology and penology. In my opinion, it is here that lies a catch. We need a great amount of caution in defining the problem that we wish to tackle, and the aim that we wish to achieve. Definition of the problem, achieving the aim together with the methodology followed, is an unbreakable unit in which one process affects the other so tremendously that bereft of the total frame of reference it may be impossible to achieve what we wish to achieve. That possibly has been the case so far. I would explain my point of view by taking concrete examples from the field.

Granting the law of the land as it is, together with its machinery, executive, judiciary, police and prison as they are, let us consider for a while what we do in the jails. More than 99% of the persons found guilty are sentenced to rigorous imprisonment, which means imprisonment with hard labour. Consequently, the Jail Manual requires of the Superintendent to allot hard labour to the prisoner befitting his health. The rules further require that all prisoners shall be employed only on useful work. The term '*Useful*' has further been indirectly clarified to mean, useful to the prisoner, because, in general, jail rules require that the employment of prisoners as prisoner-servants-which means useful to prison administration, shall be restricted to 10% or so. This means that 90% of the prisoners should be given work that is useful to them. Again, the term '*Useful to the prisoner*', though it has not been clearly defined, has, in many ways, particularly taking into consideration circumstantial evidence and pronouncement, been implied to mean '*Useful for reformation and rehabilitation of the prisoner in the society outside*'. These ideas are further confirmed by the fact that even a person sentenced to imprisonment for life is required by the laws to be released earlier from the jail depending upon his good behaviour so that he has a chance to go back and live in the society as a useful member. A negative statement of the case further confirms the view and confirms it more emphatically,

namely, that the jails are not there to turn out criminals as great and more perfect criminals to go back to society more determined, experienced and organised to offend and injure the society. If that is really so, may I ask a simple question as to what do we do in the jails to test or certify our achievements in that direction? Do we care to assess how far a particular individual to be released has been equipped with training, aid and requirements for his ultimate rehabilitation? If these are done, what records are being kept, and what follow-up studies have been done? I would be glad to acquaint myself with all such efforts as may have been done in this direction. Let me take a living example.

In the plethora of causation of crime or the factors influencing and precipitating criminal acts, the economic factor or the factor of the prisoner's inadequacy and inability to earn his livelihood within the restrictions and requirements of the social and legal codes is one of the main reasons actuating a very large number of criminals. The fate of these criminals in our jails would offer living example of our methods, aims and results. I hurriedly tried to look through the expenditure that we incur on a prisoner per day in our jails. The figures vary from State to State, but on an average, an expenditure of Re. 1/- per head per day can be taken as a fairly representative expenditure on this count. This expenditure of Re. 1/- per head per day includes the total expenditure on all counts, or in other words, it has been worked out by dividing the total expenditure of the Prison Department by the total number of prisoners in has kept in the year. Financial returns in the annual jail reports that are being followed all over India give these figures under three valuable heads:—

(1) total amount of expenditure done by the Prison Department in the year;

(2) total amount of income and receipts by the Prison Department, which means, by sale of saleable goods and all other products;

(3) net cost worked out by subtracting the amount at (2) from the amount at (1).

It is from these records that I say that the average cost of a prisoner worked out for all the States as Re. 1/- per head per day. At the same time the average income of the State per head per day because of his valuable work in the factory, farm or as a prison servant would amount to about annas four. It would thus be seen that the returns approximate to only 25% of the expenditure. An analysis of these figures brings out the following points which deserve consideration:—

1. The jails give a highly regulated life of work, leisure and living to a prisoner with supervision over his programmes and activities all the 24 hours. Besides the executive staff consisting of warders and officials, there are technical guides and teachers in the factory or the farm to teach, train and help the prisoners at the job.

The average earning capacity of a prisoner that we are able to give by the present system approximates As. 4/- per head per day. Is that an adequate level of the rate of earning? Can a prisoner subsist on this rate of earning? No one will dispute that the answers to these questions is a big 'No'. This then raises the question whether a prisoner who is able to earn on an average As. 4/- per day in the jail, would be able to earn more than this after release in the open world of hurdles, competition and keen struggle for existence, specially with the better settled, equipped and talented members of the society with whom he had failed before.

2. The average expenditure per head per day being Re. 1/-, it implies that we habituate and accustom a prisoner to a standard of life and living which requires an expenditure of Re. 1/- per day on him. The implications of this are that when he is released from jail he will not find satisfaction of his needs in anything less than what he has been accustomed to in the jail. That is to say, by the life and luxuries, or better call them amenities, that we give to a prisoner in the jail, we raise his standard of living, the threshold of material satisfaction is raised which may require of him additional efforts to what he has been doing before conviction, to meet the present increased demands. He would require a higher rate of earning than what he had before conviction. Are we then not creating conditions which may present the prisoner to a greater economic stress and strain with consequent psychological and social disappointments, difficulties and frustrations?

3. It is also important to point out here that in the free society a person is required to earn not for his bare needs alone, but every man as head of the family, is required to earn enough for himself and his dependents who, on an average, may be taken as four. In other words, the person is entitled to only 1/5th of his income to be spent on himself. Looked at from that angle, we would see that the inadequacy of the rate of earning of a prisoner in the jail, even if it could be raised to the level of the present expenditure upon him, would hardly be sufficient to enable him to meet his family and social responsibilities fully and equitably.

The low rate of earning in the jails is also to be considered in the background that we find in more than 80% of the prisoners released from the jail and who are reported, in the annual administration reports, to be in good health and that the result of life in jail is declared to be an increase in the health of the prisoners. Thus ill-health of a prisoner can be no excuse for the low rate of earning as also some other factors like the employment of prisoners in prison services. If the latter was not done, the cost of living in a jail would rise further.

To sum up these points, it could be said that the earning capacity of a prisoner while still in the jail could be used as a very valid index of his potentiality for successful rehabilitation after release in the society.

Based on this concept the results attained in the various jails present a very dreadful picture which in the main stand as huge revenue consuming institutions. My emphasis is not in the least on the total figures of revenue consumption or earning by any particular institution, because if a jail was given to run a good industry, it may possibly be converted in to a revenue earning department which I learn has been the case with a very good jail in your own State, for instance, at Coimbatore. My point is in respect of the individual prisoner. If we think in terms of rehabilitation, we should be able to certify in respect of the individual that he would be able to earn enough for himself and his dependants after release from the jail. 10 years ago that question looked a little erratic in the background of the general figures of expenditure and income of the jails not only in our country but almost all other the world and at all the various times. The Uttar Pradesh Government permitted an experiment on a selected few prisoners in the year 1948 at the Fatehgarh Central Prison to test if at all a prisoner could be initiated and brought up to the level of work and production which may equal the performance of a labourer outside. The results of that experiment were highly encouraging and proved beyond any doubt that that could be done. It was in consequence thereof that in 1949 the Government of Uttar Pradesh decided to launch a larger experiment of developing a self-sufficient colony with an environment and working as similar to the world outside as possible at the Model Prison, Lucknow. The institution has been established on those lines, and is doing useful work. There are no '*do's*' or '*don'ts*' at the institution more than what exist and operate on a person outside, in the free society. An inmate who chooses to accept and work under the scheme takes upon himself the responsibility to work and earn for all his needs and requirements. He is, therefore, not given anything free; that is, food, clothing, accommodation, medicine, sanitation, tools, raw-material and even the cost of supervision has to be borne by him. To start with, a new comer is advanced a refundable loan to meet his daily needs and to establish in any trade or vocation of his liking that he may find at the institution. Thus a prisoner who gets into the weaving trade purchases raw-material and tools from his loan and joins with some other workers and in common with them produces goods which are sold at the raw-material cost plus labour charges to the jail authorities, who, finally, dispose of the goods, after adding a certain amount of reasonable profit to keep the price of the goods comparable with the market rates. It will thus be seen that the workers are *not the paid labourers* but are *owner-workers*. Consequently the interest of a worker is absolutely direct, and the more he produces, the more he earns. He has absolute freedom, as far as the authorities are concerned, in respect of time and amount of work. These inmates are exempted from locking and unlocking, and gradually even earn the highest privilege of working and even living outside the jail wall and gate, by day and night. The best behaved prisoners, most of whom work at the

farm outside the jail, enjoy the highest freedom of movement which is comparable to that of a free citizen except for the fact that they have to sleep at their farms and cannot leave the station without permission. Rules have been framed to permit these inmates '*Special Home Leave*' to visit their families and develop living contacts with them. From their savings they can remit money to their homes. Our aim is to give a prisoner, while he is in our custody, legally, an opportunity to show and to do his best and prove his capacity to earn and live like a decent citizen depending upon us as little or as much as a free citizen would do on the official or social agencies in the public outside. It is a matter of gratification to say that there has been only one escape from amongst those who had been trusted. This occurred in 1950 within the very first 6 months of the scheme. Since then, during the last 7 years, more and more freedom of movement has been allowed, and yet, not even one who has been given this maximum freedom has abused it in any way. The Model Prison, Lucknow is the *Model* in presenting that highest ideal in the field of penology and criminology, whereby a prisoner though convicted of a most heinous offence and sentenced to a term of life imprisonment can yet be reclaimed and made to live a decent and honest life without any watch and ward.

The above experiment has had its quality excellence but has still been confined to a rather small number of prisoners because of the difficulty of providing adequate opportunity to earn at the farm, field or factory. Another experiment of a very high magnitude was launched by the State of Uttar Pradesh at the instance of our Chief Minister, Dr. Sampurnanand, the scholar administrator, which was of employing two to three thousand prisoners on a work of national importance and reconstruction, and under conditions which approximate the conditions of life and work of the free labourers outside. In the first instance, these prisoners were employed on the construction of dams and canals. They were employed and paid by the Irrigation Department on the same terms and conditions as they did with the outside free labourers with whom these prisoners worked in free association. They lived in open tents, and the area where they lived was demarcated by a plain stretch of simple barbed wire. No corporal punishment existed in these camps. No handcuffs or bar-fetters were allowed in these Camps, and there were no cells to give solitary confinement. The highest punishment was the forfeiture of remission and return to the closed jail. The first of these Camps was started at Chandraprabha in the district of Varanasi in the year 1952. This was followed by another larger Camp in the same district at Naugarh a year later. The next to come were the Shahgarh Camp and the Sarai Ghat sub-camp. At the moment we have two such Camps, one in the district of Nainital at Nanaksagar for the construction of another dam; and the second one is located in the district of Mirzapur attached to the Government Cement Factory at Churk. Our results at these Camps have been highly encouraging.

In conclusion I would like to emphasise what has been said by our

Cheif Minister Dr. Sampurnanand that the *incarceration in jail is usually conducive to the conversion of an innocent person into a criminal* because of the great amount of hostility and aggression that must necessarily be repressed, which, allowed no expression in the world of reality, works havoc underneath, deep in the unconscious of the man. The social isolation and un-natural life and the high regimentation to which a prisoner is subjected to in the jails keep alive in him a spirit of revenge and revolt against the society. Even a professional criminal has a bad influence because of possible mutual stimulation from other criminals and possibly because of their getting more hardened in their ways and thinking. Model Prison or the Open Camps represent the very minimum of isolation and maximum of socialisation and normality in life. So far, prison programmes have been developed more in line with the requirements of the institution for the good of the institution or the economy of the institution, at a great cost of individual prisoner who as an individual has been lost and forgotten in the great routine and regimentation of jail life and procedure. One important lesson that we have learnt from these new experiments is the utility and urgency of giving primary importance to the individuality of the prisoner and of trying to study the psychological world of the delinquent and particularly the processes and needs operating in the same. Realising the importance of this approach the Government of Uttar Pradesh has taken another notable step of creating a *Psychological and Psychiatric Help and Research Section* under me, which is busy with the research work on several important questions pertaining to the field and specially to the classification of prisoners.

★

Legal Aid to the Poor*

BY

Sri SANKAR PRASAD MITRA, M.A. (Cantab) Barrister-at-law.

In our great republic a citizen's case should be fairly and adequately represented before courts of Law so that justice may be duly administered. But large sections of people are not in a position to afford the expenses of litigation. There is a reality which has to be faced and overcome by adoption of appropriate means.

Legal aid comprises not only the giving of assistance in legal proceedings but also offering the correct legal advice to the intending litigants in order that wasteful and infructuous litigations may be avoided. Persons or bodies interested in giving legal help, cannot also overlook the possibility of settlement of disputes without recourse to courts of law.

Some of the developments in the State of West Bengal in the matter of granting aid to impecunious litigants and would-be litigants are given below.

In 1946, the Government of India made a reference to the Provincial Governments enquiring whether further provisions should be made for legal aid to persons of limited means, and if so, to what extent. In 1949 the Government of West Bengal wrote to the Government of India that orders XXXIII and XLIV of the Code of Civil Procedure relating to pauper suits and appeals should be more liberal, and that the provisions regarding assistance for defence in Sessions Cases punishable with death might be enlarged to include Sessions cases punishable with imprisonment for five years or more. The Government of West Bengal stated further that in respect of other cases before the courts of Sessions, assistance might be given to pauper accused by requiring lawyers to defend them at a nominal fee, this being made a condition for enrolment of such lawyers in the panels of assistant Public Prosecutors.

In December, 1949, a Judicial Reforms Committee for the State of West Bengal was set up, and State Aid to poor litigants and persons charged with crimes was one of the subjects for its consideration. This committee recommended that the provisions relating to suits and appeals by paupers in orders XXXIII and XLIV of the Code of Civil Procedure should be made more liberal, and that free legal aid in the conduct of defence should be made available in criminal cases and appeals when it appears to the court that such aid is necessary in the interest of justice. The Committee made no recommendation regarding free legal aid in the conduct of civil litigation. The Committee perhaps thought that it would be better if

---

* Written as Minister in charge of Judicial and Legislative Departments, Government of West Bengal, and with special reference to West Bengal.

the granting of legal aid in the conduct of proceedings was left to the profession and that the first move should come from the profession and that nothing could be done with any real hope of success without its willing support and assistance.

The matter was further considered by Government which agreed that the provisions of orders XXXIII and XLIV of the Code of Civil Procedure should be made more liberal but did not agree that free legal aid at the cost of Government should be provided in all criminal cases. It suggested that legislation should be undertaken making it compulsory for all lawyers to render free legal assistance in civil or criminal cases when directed to do so by the District and Sessions Judges, provided that no individual lawyer should be directed to render such free services in more than four cases a year.

The Government of India were informed accordingly, but they intimated that the question of providing free legal aid to indigent persons and persons of limited means was one primarily for the State Government which would have to bear the costs and that they did not propose to take any action in the matter.

It is interesting to note that the provisions of the Code of Civil Procedure referred to above exempt pauper *plaintiffs* only from payment of court fees. This privilege is not given to pauper *defendants*. Even in the case of a pauper plaintiff, there is no provision for assigning to him a lawyer for conducting the case or for exempting him from payment of process fees.

In this respect the Rules of the Original side of the High Court at Calcutta are more liberal and progressive, and contain useful materials for consideration and guidance.

I quote below particularly rules 8, 9 and 15 of Chapter XII of the Original Side Rules which are relevant in the present context.

8. "Any person may be allowed to defend or to proceed as a pauper with his defence commencing in the ordinary form, on the terms and conditions contained in Order XXXIII of the Code and under these rules *mutatis mutandis*".

9. "Where a person is allowed to sue, defend or proceed as a pauper, the Court or a Judge or the Registrar or Master may, where necessary, assign an advocate or attorney, or both, to assist him, and an advocate or attorney so assigned shall not be at liberty to refuse his assistance, unless he satisfies the Court or Judge or the Registrar or Master that he has good reason for refusing".

15. "Whilst a person sues, defends or proceeds as a pauper, no person shall take, or agree to take, or seek to obtain from him any fee, profit or reward, for the conduct of his business in the court, and any person who takes, or agrees to take, or seeks to obtain, any such fee, profit or reward shall be guilty of a contempt of court;

Provided that, notwithstanding anything herein contained, the Court or a Judge shall have a power to award costs against the adverse party, or out of the property recovered in the suit, and to direct the payment thereof to the attorney representing the pauper".

No such provision is in operation outside the Original jurisdiction of the High Court.

Towards the end of 1954, the Government of West Bengal again formed a committee consisting of Sir Arthur Trevor Harris, Dr. Sambhu Nath Banerjee and the Judicial Secretary to the Government, to go into the question of legal aid and assistance to the poor.

That committee circulated a questionnaire as follows:

1. What classes of persons should be given free legal aid.

2. In what classes of cases, (*a*) civil and (*b*) criminal, should free aid be given.

3. What sort of body should be set up:

   (*a*) for the Calcutta High Court.

   (i) Original side;

   (ii) Appellate side; and

   (*b*) For a district to decide the questions:

   (i) Is a person without means, and

   (ii) Has he a proper case to be taken up?

   The further question in this connection is whether some discretion should be given to the trial Judge to requisition the services of a counsel to take up a case when he is satisfied that a litigant is without any means and has a good case.

4. How should lawyers including Solicitors be engaged for taking up such cases? Should there be a panel composed of lawyers who volunteer their services? (It has been suggested that services should be entirely free and voluntary, but that lawyers may be allowed to get the fees awarded by the courts when the cases end in favour of the persons for whom they have acted.)

5. How should costs of litigation and incidental and out-of-pocket expenses be met? Should there be legislation exempting such persons from the payment of all court fees and other fees and costs or should such expenses be borne by the State Government?

The Report of the Committee would soon be available. After receiving the report the Government of West Bengal propose to take steps for framing appropriate statutory rules or enactment of appropriate legislation to give effect to the recommendations of the Committee. A Legal Aid and Advice Society was formed in West Bengal in May 1952 through the efforts of some of the enthusiastic and benevolent members of the Calcutta Bar. The Society was registered under the Societies Registration Act on the 1st of May, 1953. It has rendered valuable services to indigent litigants and prospective litigants since its inception. It has taken charge of suits, criminal cases, and other proceedings in the High Court, the Bankshall Court, the Alipore Court and the Small Causes Court, free of charges. It has also helped displaced persons from Eastern Pakistan at the request of the Refugee Rehabilitation Department of the Government of West Bengal.

The Government have given financial assistance to it from time to time, and have provided accommodation

for its office in the Raj Bhavan Compound. An excellent Library was presented to it by Dr. Sambu Nath Banerjee.

Many eminent lawyers of Calcutta take keen interest in its activities. Since my assumption of office it has, at my request, agreed to conduct litigations on behalf of several helpless widows and other persons of limited means. I cannot but record my high appreciation of its work and activities. But there is no such society in the Mofussil area.

The various idea which have struck the Government of West Bengal in respect of this very important matter as well as the efforts so far made by the legal profession in West Bengal, have been enumerated. The Judicial Department of the Government of West Bengal are always prepared to consider concrete suggestions on the question of free legal aid and assistance to those who are in need of it, and further to present its considered views to the Government of India, if necessary.

"Do not deceive each other, do not despise anybody anywhere, never in anger wish anyone to suffer through your body, words or thoughts. Like a mother maintaining her only son with her own life, keep thy immeasurable loving thought for all creatures.

Above thee, below thee, on all sides of thee, keep on all the world thy sympathy and immeasurable loving thought which is without obstruction, without any wish to injure, without enmity.

To be dwelling in such contemplation while standing, walking, sitting or lying down, until sleep overcomes thee, is called living in Brahma".

—GAUTAMA THE BUDDHA.

A Common Probation Act for India

BY

Sri P. RAMAKRISHNAN, I.C.S.

An important facet of social rehabilitation is the Probation system. It has had a long and honoured history in England, making a beginning in 1907 by the Probation of Offenders Act of 1907. It underwent several changes until in its present form, it is enshrined in the Criminal Justice Act of 1948, which has several salutary features, and tries to meet many urgent problems of practical application of the principles of probation. As one writer put it—it contains, "manifold provisions for a rational penal policy and a differentiated treatment in accordance with advanced criminological experience". It is important to bear in mind the advance made in this branch of Criminal Law administration in England, because our criminal law stems from the English law, and for the principles used in the definition of offences, in the procedure for the trial of cases and for guidance in inflicting punishments, we have largely built on that law.

2. In India, it may, therefore, be said that we did not evolve probation, and that we did not have to go through the age that witnessed unduly harsh sentences as England, when theft was punished with death, and when young persons were indiscriminately whipped and even sent to the gallows. The framers of our Criminal Procedure Code of 1898, adopted the principles of Section 562 Cr. P. C. from the English Act of 1887, and made it applicable only to first offenders as in the English Act of 1887. Section 562 Cr. P. C. occupied for many years an honoured place in our legal system, providing but very inadequately for a growing want. It was felt that section 562 Cr. P. C. had two serious lacunae to which the Indian Jails Committee of 1920 drew attention. It did not cover offences other than those under the Indian Penal Code. Significantly, it did not provide for the probation of offenders. The first defect was remedied by amendment effected in 1923, but nothing was done, to provide for supervision of the offender, under the probation system.

3. The probation system took a long time thereafter to be established in this country. An All-India Probation Bill was drafted by the Central Government in 1931 and circulated to Provincial Governments, but other urgent pre-occupations stopped further progress at the Centre, but the Provincial Governments were allowed to enact their Probation legislation. The first to do so was Madras State which passed the Probation of Offenders Act, 1936 which came into effect in 1937. Bombay passed its enactment in 1938.

4. There are interesting differences in the law thus enacted in some of the States in India. As typical instances of such conflict, one can take up the law in Madras, Bombay

and Calcutta. The references are to the Madras Act as modified upto 1–10–1949, the Bombay Act as modified upto 1949, and the West Bengal Act of 1954. This study in contrasts and comparisons will bring out the salient features, that should find place in any model Probation Act, ancillary to a system of Criminal Justice, based on the English system, and also the necessity for uniformity which can be achieved by a Central Act.

(a) *Restriction of probation to first offenders:* In its preamble, the Madras Act calls itself an "Act to provide for the release on probation of first offenders"; in Bombay and Bengal, the word "first" is deleted. In the body of the Act, in Bombay, restriction to first offenders is made in the case of release after admonition, but it is omitted in the case of release on an order for probation of good conduct. Bengal retains the restriction as in Madras. The exclusion of an accused with a second conviction from the scope of such beneficent legislation, originated in the English Act of 1887. In 1907, in England, the restriction of the benefit of probation to first offenders was given up, but the principle of such restriction to first offenders embodied in section 562 Cr. P. C. in 1898, has remained in that section upto the present day in India, and also continues to be a restriction in the Madras Probation of Offenders Act. If reasons are required for abolishing the restriction, they can be found in the fact, that in England, it had been done away with as long ago as in 1907; and that in Bombay and Calcutta, it was not found necessary to have the restriction to first offenders. I would like to draw attention to the proceedings of the Conference of Correctional officers of the Madras State which met in 1955, and which included Probation Officers, Magistrates and Superintendents of Jails, while three learned Judges of the High Court of Madras, acted as Observers. The consensus of opinion arrived at, after full discussion at the highest level, was :—

> *"There is no necessity for the age bar, and the Probation Act need not be restricted to first offenders. Even repeated offenders can be dealt with under this Act".

(b) *Limits as to age and sex:* Another aspect that has given rise to different laws in different States is the age of the accused. Madras has retained 21 years as the upper limit for a male, if he is to get the benefit of release on probation of good conduct under section 4 after being found guilty of an offence not punishable with death or transportation for life, and if he is 21 years and above, the type of offence is limited to those punishable with imprisonment upto 7 years. For a woman these age limits are not provided. Supervision orders are restricted to persons below 24 years, and it is provided that after 25 years, the supervisory order shall not continue. In Bengal, there is no such restriction, but in Bombay, the age limits are increased by one year from those

*See page 118 of the Proceedings of the Madras State Conference of Correctional Officers, 1955.

JL
Y:4:65m2;N57ɪc
N57.11 2
193340

in Madras, *i.e.* to 25, and 26 years respectively. One misses the point of the age limits thus placed by Madras, or the addition thereto by one year in Bombay. Does it mean that in Madras, an accused person after 24 years, loses susceptibility to a Probation Officer's good offices, that in Bombay, such susceptibility extends to 25 years, while in Bengal, it continues throughout his life?

(c) *Limits as to type of offences:* Equally diversified and arbitrary, appear the types of offences to which probation is to be applied under the three Acts referred to. In the Madras Act, the consideration shown to the woman offender, stops short of an offence punishable with death, or transportation for life; in Bombay, the lenient approach to the weaker sex is maintained for offences of "any kind", while Bengal has withdrawn altogether discrimination on account of sex. The limit fixed in Madras on section 4, of offences punishable for not more than 7 years for a male offender 21 years and above, is given up in Bombay, and in that State, a male of any age is eligible to an order of probation, (subject, of course, to the various general considerations), as long as he does not commit an offence punishable with death or transportation for life.

(d) *Suspension of sentence during probation:* Now, I will come to a novel departure in Bengal, for which there is no precedent in the English Act. I am told that for precedents one has to go to the Statute Law of Queensland, Australia, in 1887, to some countries in the continent of Europe and to some States in America. This refers to suspension of execution of sentence after its imposition, in conjunction with probation. Section 4 of the Bengal Act deserves to be quoted, as its implications may not be familiar to those accustomed to the Probation Acts in force in Madras and Bombay:—

> "Any court which sentences an offender to imprisonment (not being imprisonment in default of fine) for a term not exceeding six months, for an offence not punishable with death or transportation for life may,......order him to be released......"

If the accused fails to observe the conditions of the bond, the penalty is that the sentence already passed may be directed to be executed, or in the alternative, a penalty may be levied. In Madras and Bombay, in a similar contingency, the court is not tied down to the term of a sentence of imprisonment already passed.

(e) *Compensation:* The Madras Act omits to say anything about compensation for loss or injury to the complainant or for defraying the expenses for the prosecution, or compensation to the *bona fide* purchaser of property which had been the subject-matter of theft, cheating, criminal misappropriation etc. Section 545 Cr. P. C. gives statutory sanction to such a procedure where an accused is sentenced to fine; it is necessary that this salutary provision should not be lost sight of when he is released on probation. The Madras Act has missed this point; but it is provided for in the Bombay Act; the Bengal Act goes further, and makes the

parent or guardian responsible for the payment, but with two important provisos :

(*i*) The accused should be below 16 years of age ; and

(*ii*) The parent or guardian has by his neglect, or in any other way, contributed to the commission of the offence.

(f) *Statutory power with court to call for a Probation Officer's report :* It is obvious that such power should be provided for in the Act itself. The Bombay Act provides for this in section 5-A, but says that—

> "the court may require any probation officer to submit a report before making an order for release on admonition or for supervision..."

The Bengal Act, contains no such restriction. It only says—

> "the Probation officer shall inquire if called upon by the court..."

The Madras Act, however, has relegated this important provision to the rules. Rule 11 says—

> "When directed by a court, a Probation Officer shall make a preliminary enquiry..."

(g) *Exclusion of section 562 Cr. P.C. :* The Bombay and Bengal Acts provide for the exclusion of section 562 Cr. P. C. in areas where the Probation of Offenders Act was brought into force. Madras has not done so, with the result, that the attention of the magistrates has to be frequently drawn to the advisability of preferring an order under the Probation Act to section 562 Cr. P.C.

(h) *Adjournment of case pending receipt of Probation Officer's report:* There is one question of practical difficulty which occupied a good deal of the time of the Conference of Correctional Officers in Madras State in 1955. It is as to the stage when the court should call for the Probation Officer's report. If the report should be automatically called for as soon as a police charge sheet is filed, the work to be done by the Probation Officers will be enormous, and a substantial expenditure will have to be incurred, on the maintenance of a large number of probation officers. An enthusiast for probation may quote an interesting article in the issue of the Indian Correctional Journal, Volume I, No. I.

> *" A system that provides sufficient amounts of money and man power for the adjudication of guilt, but only dribs and drabs of appropriation for the sentencing and probation process, is providing what a New England Supreme Court Judge has called " half justice ".

It is also urged by purists in probation, that dealing with the offender in the probation way is cheaper than jail treatment, both from the longer and shorter points of view.

---

*See page 12 of the Indian Correctional Journal, April, 1957.

5. Apart from this, it is a salutary principle that all wasteful effort is curtailed, and hence the court should call for a probation officer's report, only when the court feels that the resources at its disposal are not adequate to enable it to give a sentence. It follows that such a stage will arise only after the person is found guilty. At this stage, doubts are expressed as to how to provide for the delay that will ensue in awaiting the Probation Officer's report. This problem bulked largely in the discussions at the State Conference of Correctional Officers, and the following conclusion was expressed :—

> *" The consensus of opinion seems to be that if the police officer who files the charge sheet is of opinion that the accused in that case must be sent to jail, then it is better that he gives a copy of the charge sheet to the probation officer..."

It is noteworthy that this problem has been considered and met by the English Criminal Justice Act of 1948, where section 25 enacts :—

> "It is hereby declared that the power of a court of Summary Jurisdiction under section 16 of the Summary Jurisdiction Act, 1848, to adjourn the hearing of a case includes the power after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling enquiries to be made of determining the most suitable method of dealing with his case..."

6. It is unnecessary to dilate further on these differences in the legislation of different States. It is disturbing to find that these differences should hinge round some very basic questions arising out of probation, on which uniformity will be desirable throughout the Union, where a uniform Penal Code, Criminal Procedure Code and Evidence Act are in force. It is undesirable to have divergency between State and State, on all the points traversed above, *viz.*, the question of first offenders, the limits as to age, as to sex, as to the type of offences, as to whether when an accused is released on probation, he should be treated as a person found guilty but not convicted or sentenced, or as a person who is convicted with a sentence already imposed and hanging over his head, and as to whether compensation for expenses for injury should be made part of an order for release on probation. Obviously, we do not want to repeat in India, some of the conflicts in the laws of different States which have developed in U.S.A. In the background of our political evolution in India, more is to be gained by uniformity in our laws, than otherwise.

7. Next arises the question as to what should be the main features of a Central legislation on the subject of probation. I have been referred to a draft bill prepared by Dr. Reckless, United Nations Expert on Criminology, who made a study of the problem of criminal administration in India and prepared a comprehensive report. I shall now consider the provisions of this draft

* See page 112 of the Proceedings.

bill in the light of the discussion in the preceding paragraphs. That discussion serves a two-fold purpose. It brings into prominence the essential points, which should be covered in a model Probation Act; secondly by mentioning the differences in the approach from State to State, it has stressed the necessity for a uniform piece of legislation. In the subsequent paragraphs, the word "bill" will refer to the draft bill of Dr. Reckless.

8. Sections 1 and 2 of the bill deal with routine matters.

Section 3: This deals with the power of admonition. Two alternative sections are provided:

A. "Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances, including the nature of the offence and the character of the offender, that it is inexpedient to inflict a punishment and unnecessary to release him on a bond, the court may release him after due admonition"

or

B. "In any case in which a person is convicted of any offence punishable with not more than two years imprisonment and no previous conviction is proved against him, the court by which he is so convicted may, if it thinks fit, having regard to the circumstances including the nature of the offence and the character of the offender, instead of sentencing him to any punishment, release him after due admonition".

9. "A" is analogous to section 7 (1) of the Criminal Justice Act of 1948, but the words used there are "absolute discharge". "B" is based on section 3 of the Madras Act, and section 4 of the Bombay Act, no doubt, with certain deviations. For example, in Madras, the accused is found guilty, but not convicted, before release on probation, while in the bill, he is to be convicted and then released. The section in Bombay is an improvement on the Madras one and the bill further improves on the Bomay section, by dropping reference to age, giving thereby a wider freedom to the court. The expression in "A", "offence...for which the sentence is fixed by law" represents a formula derived from the English Act, and means an offence for which the court is required to sentence an offender to death or imprisonment for life or to detention during "His Majesty's pleasure". In my opinion, it would be better in the background of the conditions in India not to make such a wide departure from the existing law, as is implied by "A", but to adopt the form "B" which copies largely the existing provision in two States, and implies a more gradual change.

10. I next come to section 4 of the bill, which reads thus:

(1) "When any person is convicted of an offence not punishable with death or transportation for life, and the court by or before which he is so convicted is of opinion that having regard to

the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive the sentence, when called upon during such period (not exceeding three years) as the court may direct; and in the meantime to keep the peace and be of good behaviour.

Provided that the court shall not direct the release of an offender under this section unless it is satisfied through the *report of a Probation Officer* that it is a fit case for such release and that the offender or one of his sureties (if any) has a fixed place of abode or regular occupation in the place for which the court acts or in which the offender is likely to live during the period named for the observance of the conditions".

I have already referred to the fact that Bombay has taken the decision to give up the restriction as to previous conviction and the statutory limit as to age for the purpose of release of an offender on probation, whereas Madras has not done so. I have already referred to the consensus of opinion in favour of these changes, expressed at the Conference of Correctional Officers held in Madras in 1955. Dr. Reckless' bill brings these changes into effect. The provision in section 5 (4) of the Bombay Act in respect of women appears invidious. It has been deleted in the bill. However, it will be necessary to alter the italicised portion in the first proviso to section 4 (1) by substituting "the report of a probation officer or otherwise..." The reason is that the court can take into account even the representation of the police officer, and need not call for a probation officer's report in every case.

11. In the foregoing paragraphs, I have already referred to the anomalies arising out of fixing an artificial age restriction as in section 4 (2) of the Madras Act and section 5 (2) of the Bombay Act in the matter of issue of a supervision order. Section 4 of the bill rightly does away with these age restrictions.

12. *Damages for injury:* Section 5 of the Bill makes provision for this, as also a provision for the parent or guardian to pay the amount in the case of minors under 16 years of age, if it is proved that such parent or guardian, by his neglect or in any other way, has contributed to the commission of the offence. Section 6 of the Bombay Act provides for this. In an earlier paragraph, I have commented on the necessity for such a provision in a Probation Act.

13. *Section 6:* Dr. Reckless has provided in section 6 of the Bill :—

(1) "No court shall impose imprisonment on a person under twenty-one years of age unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any method of dealing with any such person is appropriate, the court

shall obtain and consider information *from the Probation Officer* about the circumstances and shall also take into account any information before the court which is relevant to his character and his physical and mental condition.

(2) Where a court imposes imprisonment on any such person as is mentioned in the foregoing sub-section, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and the reason shall be specified in the warrant of commitment ".

This is adapted from section 17 (2) of the English Criminal Justice Act of 1948. But it is noteworthy that the English Act does not use the expression "from the probation officer" (italicised above) but drops out these words. Retaining the italicised words in the bill, would mean that the court is bound to take into account, the opinion of a probation officer, before a person under 21 years of age is sentenced to imprisonment. This appears to fetter the discretion of the court too far, and the language of the corresponding section of the English Act provides sufficient scope to attain the object in view.

14. The rest of the Bill deals with the provisions to deal with a case where the conditions of a probation order are not observed, appointment of probation officers, duties of probation officers, variation of conditions of bond, removal of disqualifications attaching to conviction for offences and power to frame rules. These follow well-established patterns, and are generally unexceptionable.

15. While concluding, I wish to lay stress on the fact that any extension or liberalisation of the Probation Act, carries with it a greater responsibility on the Courts and Probation Officers, to see that the beneficial provisions are applied in a proper manner so as to ensure that while offenders are dealt with to secure their reformation, at the same time, the confidence of the public in the administration of law and order is not undermined, by the indiscriminate or unwarranted use of probation.

———★———

" No man need have gone to ruin, could he have found
a man great enough, a man wise and good enough,
who had the vision or wisdom to discern truly
what was needed, and the valour to supply the need ".

—CARLYLE.

An Integrated system of Correctional Administration

BY

Dr. P. K. BISWAS, M.B.,

Inspector-General of Prisons, West Bengal.

With the emergence of penology and correctional administration from the mere custodial care to a scientific and humane process of reformation and rehabilitation of the offender, and with the realization of the importance of preventive and after-care measures in the total set-up of correctional administration, correctional science has become multi-purposeful and multilateral. Unlike in the old days when the processing of a criminal or an offender consisted of arrest, prosecution and incarceration, it now consists of various other processes. The modern concept of crime and its aetiology postulates that crime is committed due to a combination of circumstances, internal as well as external, over which in most cases there was no control, and the individual succumbing to its total reaction, not having sufficient amount of resilience. Hence the first step that has to be taken in any attempt for the prevention of crime and treatment of criminals, is to generate and engender factors and forces which go to prevent the breeding of crime and the manufacture of criminals as far as possible. Community services, clubs, area projects, athletic leagues, juvenile guidance bureaus, parent guidance centres—all these are some of the steps that have been adopted in the various western countries with considerable success. Our country having stronger religious and cultural moorings, which have not been entirely cut off even with centuries of foreign rule, can easily stem the tide of juvenile delinquency and adult criminality to a great extent through the organization of such community forces which have a very great power in nipping incipient criminality in the bud. Hence programmes for the prevention of crime is of paramount importance. As the old adage goes, prevention is far better than cure. Hence all possible steps should be taken to start the measures mentioned above if they have not already been started. Any amount of money spent for prevention of crime is well spent, and far better spent than huge amounts spent on the treatment of crime and subsequent rehabilitation of the criminals.

Next in importance, is the process of arrest and prosecution. It is needless for me to say that in order to avoid any unnecessary or vindinctive arrest, and in order to secure just and equitable prosecution without overzealousness or rancour, the persons who handle arrests and prosecutions should be selected from the trained class of officers. They should, as far as possible, be persons who had a course of training in social welfare institutions and also had an orientation in the modern methods of dealing with offenders and criminals. The prosecuting officers must

be persons imbued with a spirit of justice, and whenever they find there is no case for prosecution, they should have absolutely no hesitation for presenting a case for discharge. Weeding out of the obviously innocent cases even though wrongly arrested, should be possible with an enlightened set of policemen and prosecutors. Otherwise, there will be many a case of miscarriage of justice which will go very far to weaken our growing young Democracy.

The next step is that when the accused is found guilty, a thorough study of his antecedents, home conditions, etc. should be made through competent officers and clinics with a view to find out the best method of disposing of the offender, with due consideration to his future and also to the protection of the society, which is the prime aim of any good Government. There are many modern methods of dealing with the offenders, and of these, probation is the newest and the most effective. Every presiding officer of the court must have a good orientation in the modern techniques and methods of disposal of offenders, and wherever possible, they should select all the good and safe risks for probation treatment, and only where probation treatment or other extramural methods of treatment are found to be unsafe, the institutional methods, such as Borstal Schools, Certified Schools or Jails should be resorted to. Even in the matter of institutional treatment, jails should be avoided as far as possible, and whenever age and other circumstances allow it, offenders should be sent only to non-penal institutions, such as Certified Schools, Industrial Schools or Borstal Schools.

The next step in the process is the actual institutional treatment. While inside the institution, the authorities should not merely attempt to keep the inmates as safely and as cheaply as possible as in the old days, but should make all possible attempts to a study of the personality of the offenders to find out the good in them and strengthen the good so as to making the bad elements in them gradually subdued, and finally wiped out. The institutions should therefore be manned by correctional officers of the right type, having the right education, the missionary spirit and the zeal to do whatever is possible to turn out the inmates of the institution as honest and self-dependent citizens. The institutions should themselves be politechnics where the man and woman received for detention should be trained in a skilled profession so that when he or she goes out, it will be easy to get a good and gainful occupation in this modern competitive world. While in the institution, not only should skilled training be imparted but the moral strength and stature of the individual must be strengthened and toned up sufficiently. The relation between the criminal and the outside world should not only be maintained but also improved and strengthened. Assistance should be rendered, wherever necessary, to avoid the breakdown and destitution of his family and children, and thus the dire consequences of a long period of incarceration should be abated lest the punishment of one individual for a particular crime should end in the punishment of a whole family and its members for life.

It is also common knowledge that almost all the persons committed to institutions have to be released one day or the other, and that however enlightened the jails may be and however good the training in them may be, he comes out with a sort of of handicap arising partly out of his conviction and partly out of his mental degeneration arising out of unavoidable regimentation even in the most enlightened institutions. He has to be aided to set himself on his own feet again and helped to go for sometime more thereafter, until he is able to go independently. This has to be done by a set of good and understanding after-care officers in an efficient after-care set-up. The after-care officers have to be men with large sympathies, vast experience, great understanding and a good reputation and a standing in the community in which they live and work. A good aftercare system is a very important adjunct to a total system of correctional processing. Any amount spent on after-care is well spent. It is the last link in the process of correctional administration, but it is the most important process, for unless after-care work is done well, all the other processes get precipitated, and the individual goes back to a path of crime to undergo the cycle again and coming out much more hardened and more difficult to recondition and reform. Any money spent on After-care is a premium on national insurance and goes to build up a good democratic State. Till recently, After-care was receiving only a stepmotherly treatment and was supposed to be the business of private philanthropy; but with increasing realization of the importance of after-care work in the total set up of correctional administration, increased though not adequate attention is now given to after-care. I have repeated on several platforms what I am writing now, that if after-care work should be done well, the Central and State Governments should be prepared to spend much more and should be prepared to render much greater help in so many ways, than they do at present.

The various processes that form the components of a good correctional system have been mentioned. If there is no co-ordination and integration between these various parts of the whole, the whole does not fit in properly, and becomes heterogeneous, ineffective and useless. At present, many of these various branches are being dealt with by different departments at different administrative levels, official as well as non-official. As a result of this, there has not been sufficient strengthening of the correctional services, and almost in every State there has been an awful lack of co-ordination. The United Nations has coined one term for the total set-up of correctional services, namely, "*Social Defence*". It includes the police, the courts, correctional institutions and welfare services, such as probation, after-care, orientation and pre-discharge work. Unless these are co-ordinated, it is impossible to get good results, and to form an efficient correctional set-up. They should follow the same philosophy, and follow the same level of progressive measures. If one of the components is out of step with the other,

the whole system lags and becomes ineffective. As it is, correctional administration under our constitution is a State subject, and the various States of our country have different methods and patterns of doing this work,—some under official auspices, some under non-official auspices, and some under a combination of these. There is so much of diversity that the whole growth of correctional services throughout the country, except perhaps in rare instances, is spasmodic. Hence, in order to co-ordinate and unify and upgrade correctional work on a uniform scale throughout the country, and make it thereby more efficient and more fruitful, there should be a co-ordinating organization at the Centre, functioning in an advisory capacity. Though a Statutory Administrative organization is perhaps not possible, an advisory bureau is possible. The papers say that such a bureau will be set up soon. There should be no delay at all in establishing the bureau. Correctional science is the science of dealing with morbid human beings, and is the science which treats them and converts them into good citizens. If the bureau can urge upon State Governments to take up this question in right earnest and do all that is possible under the Second Five Year Plan, then it will have made a good beginning. The Planning Commission should be seized more of the importance of this work and should allot more funds for the improvement and expansion of correctional services in this country.

The welfare state which we are planning and hoping for cannot be achieved, with mounting crime and with large members of our brethren languishing behind the bars. A concerted co-ordinated action of the various branches of criminal law administration, stimulated to high level and backed with adequate finances, personnel and public support can alone carry us near the goal. An Integrated department of correctional administration is therefore of vital importance in this context.

———★———

" If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him. And men are not improved by injuries ".

—BERNARD SHAW.

* * *

" Instruction increases inborn worth, and right discipline strengthens the heart ".

—HORACE.

News and Notes

United Nations

The Second United Nations Seminar on the Prevention of Crime and the Treatment of Offenders for Asia and the Far East will take place in Tokyo from 25th November to 7th December 1957 instead of at Bangkok as originally proposed.

The draft agenda for the Seminar is as follows:

1. *Juvenile Delinquency*:

   (*a*) Formulation of specific measures for the prevention of Juvenile Delinquency, with special consideration of methods and ways of preventing it in urban areas, especially as a result of the growth of urban society, and of the possibility of combining community organization and development programmes with the prevention of juvenile delinquency in rural areas.

   (*b*) Introduction of the probation system in the treatment of juvenile offenders.

2. Implementation of the recommendations of the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

   (*a*) The integration of prison labour with the national economy.

   (*b*) Ways and means of implementing the Standard Minimum Rules for the Treatment of Prisoners.

3. Traffic in Persons and Exploitation of the Prostitution of others.

For general discussion: Regional cooperation in the field of the prevention of crime and the treatment of offenders.

In addition to National Delegations, Specialized Agencies of the United Nations, interested in the prevention of crime and the treatment of offenders will be invited to be represented. Similarly, international non-governmental organizations interested in this field will also be invited to be represented.

* * *

United Kingdom

The National Association of Probation Officers celebrated the completion of fifty years of Probation in the United Kingdom between the 3rd and 5th May 1957. Not only Probation Officers, but the representatives of many other services and of the community as a whole and many visitors from abroad gathered in London to mark this historic anniversary. Today, the Probation Service in Great Britain has over 1,250 full time officers and there are 45,000 people on probation, many of whom, but for the Probation system, would have been in prisons. In a message to the N. A. P. O. on the occasion of the golden jubilee, The Right Honourable R. A. Bulter, C.H., M.P., Secretary of State for the Home Department, Stated—

"It gives me great pleasure in this fiftieth year since the passing of the Probation of Offenders' Act, 1907, to offer my congratulations to the Probation Service on its steady growth and sound development. The faith and enterprise of its pioneers have been fully justified by their successors' devotion and skill. In particular, I am glad to have this opportunity of commending the Service for the eagerness with which it has set itself to acquire new knowledge, to widen its understanding of human problems, and to improve its techniques through study of modern teaching on social case work. The National Association of Probation Officers has wisely made high professional standards its aim, and has contributed in no small measure to the achievement by our Probation Service of a unique position among those of other countries, and prominent place among our own social services. To the Association, and to Probation Officers throughout the country, I offer my warm good wishes for the future".

* * *

****Research Unit for Home Office: Prisoners' Earnings to be considered**

Addressing a meeting of the Advisory Council on the Treatment of Offenders at the Home Office on 3rd May, 1957, The Right Hon'ble R. A. Butler, the Home Secretary, said:—

"The fields of Government activity for which, I as Home Secretary, am responsible are many and various, but I regard none as of greater importance than those of penology and criminal law. Much has been learned and much achieved by the patient and often pioneering work of the Prison Commissioners. As that work goes on, new questions are constantly appearing over the horizon. Not the least of the revolutions that have taken place in this century has been the revolution in the attitude of society to the criminal. We are still working out in terms of institutions and training the practical implications of that revolution, and I believe that we have not by any means reached its end; for as society itself changes so will our problem change, and as our knowledge grows so will our capacity to solve our problems grow".

"We in this country are accustomed to tackling our problems empirically and we are rightly conscious of the dangers of a doctrinaire approach to social problems and particularly to the problems of human relationships. But that does not mean that we should disregard the means which the modern techniques of sociology, psychology and statistics have given us of assessing the nature of our problems and the effect of our policies. Some useful work has already been done on our behalf by the Universities and we are particularly indebted to Dr. Radzinowicz and the Department of Criminal Science at Cambridge. I hope this close collaboration beween the Universities and the Home Office will continue, but it seemed to me that the time had come when the Home Office should have a research

**With the kind permission of the British Information Services, Madras.

unit of its own and I am glad to be able to tell you that one is now being formed".

"Research is not, however, the only means of enquiry which we can usefully employ and I am fortunate to have in this council a body admirably equipped to study particular aspects of penal administration in consultation with others qualified to speak upon them and to advise me on the best measures to adopt".

"I understand that you have before you to-day a report of a sub-committee on one such problem and you will see that I am giving you no respite from your labours but have immediately referred another to you; and I can give you no undertaking that I shall not repeat the process as soon as you report on that".

"I should not like you to think that I am concerned only with research, enquiry and the more theoretical aspects of penal problems. I am most anxious that the practical work on which the Prison Commissioners are engaged should go ahead with all speed. You are already aware of the intention of the Commissioners to extend as far and as soon as possible what has come to be known as the Norwich scheme. They are also giving radical reconsideration to the bases of classification both of prisoners and of prisons, and they have I know many other changes in mind, on some of which I may be glad in due course to have your advice. But there is one question in which, as you know, I have a close personal interest, and that is the present, as I think, totally inadequate scheme of prisoners' earnings. I shall certainly, before very long, be asking you to consider whether we cannot devise something more consonant not only with good administration but with the human dignity and social welfare of the prisoners".

* * *

The research Unit will consist of two research workers of graduate status with ancillary staff.

The sub-committee on alternatives to short terms of imprisonment.

* * *

The Home Secretary has asked the Advisory Council to consider whether any changes are necessary in the obligations of discharged prisoners to report their addresses for the information of the police, and whether there should be compulsory after-care for prisoners released from sentences of imprisonment. The Council at its meeting today (Friday, 3rd May) set up a sub-committee to consider these questions.

* * *

Canada

1. **Capital punishment—Existing Law and Practice*: Treason, piracy, and murder are the only capital offences prescribed in the present Canadian Criminal Code. The revised Criminal Code, which was enacted in 1954 and came into force in 1955, abolished capital punishment for rape. In practice, capital punishment has significance only as the punishment for murder. There was no recent example of its use as punishment for other crimes.

*From the Report of The Joint Committee of The Senate and House of Commons.

2. Canadian law differs in some important respects from the common-law definition of murder. It is based on Stephen's draft Criminal Code of 1879 which was not adopted in the United Kingdom and, consequently, some of the detailed proposals for the change of the law recently made in the United Kingdom are not relevant to Canada.

3. Capital punishment is mandatory as the penalty upon conviction for murder and there is no discretion to impose any lesser sentence. Hanging is the only method prescribed for execution.

Proposed recommendation of the Joint Committee of the Senate and House of Commons :

1. Retention of Capital punishment as Mandatory Penalty for murder.
2. Retention of Capital punishment for Treason and Piracy.
3. No change in Definition of murder.
4. No 'Degrees of murder'.
5. No special provision for women.
6. Abolition of Capital punishment for offenders under 18 and restrictions for offenders under 21.
7. Full disclosure of Crown's case to accused.
8. Provision of competent Counsel and assistance in producing evidence.
9. Mandatory plea of "not guilty" in Capital cases.
10. Automatic Appeal to Provincial Court of Appeal in all Capital cases.
11. Appeal as of Right by a Convicted Person to Supreme Court of Canada.
12. Centralized Places of Execution in each Province.
13. Abolition of Hanging—Replacement by Electrocution with alternative of the Gas Chamber.

*　　*　　*

The Philippines

** *Regional Conference on Human Rights :* "Manila is being surveyed as the seat of a regional conference on human rights next year under the auspices of the United Nations". The possibility of holding in the Philippines the next regional seminar on human rights was hinted last May 7 by a survey team which came to the Bureau of Prisons to confer with Director Bunye and other prison officials and to observe conditions at the National Penitentiary.

The team included Dr. Norval Morris, Australian professor of criminology, and Messrs. M. Soetarjat and R. Yandasoebrata, Indonesian penologists. According to Director Bunye, the visitors represented their respective countries at the last world congress on crime prevention and treatment of offenders held in 1955 at Geneva, Switzerland.

**Extract from The Guide Post, Vol. II, No. 12, dated 15—5—1957.

The conference will include in its agenda prison problems affecting the human rights of prisoners in connection with correctional administration and treatment.

The visiting penologists were highly impressed with the achievements of Bunye's inmate-centred program of rehabilitation. Of particular interest to them was the successful introduction of community improvement in the penal colonies.

* * *

***Prison Bill Okayed by Congress**

"Congress this week passed the Francisco (H. No. 4376), an Administration measure certified by the late President Magsaysay, which authorizes the expenditure of P. 5,000 from the funds of the Bureau of Prisons as pecuniary aid to prisoners injured in line of duty or to their kins in case of death.

Presented in 1954 by Congressman Augusto Francisco (N. Manila), the bill was passed by the House last February and by the Senate this week. Responding to letters sent by Prisons Director Alfredo M. Bunye to the legislators last December, several Congressmen and Senators pledged their support to the measure when taken up on the floor of Congress during the current sessions.

This bill is one of the major legislations sponsored by the present prison administration to extend the protection of our laws to the inmates of our penal institutions while performing duties assigned to them. The measure, in the opinion of prison industry officials, will improve the morale of prisoners working in various institutional projects, especially those assigned in the penal colonies.

As a correctional measure, it is also calculated to win the co-operation of the inmates as well as their loyalty to the Administration in that those injured or killed while protecting government property during riots, jailbreaks or public calamities, are entitled to receive pecuniary aid under its provisions.

Meanwhile, other measures designed to improve the Philippine correctional system, including a probation law, are being studied for future legislative action.

* * *

INDIA

Rajasthan - A New Development

In various States Model Jails are functioning, but in Rajasthan, in addition to the Model Jail at Ajmer, a model Judicial Lock-up has also been established at Dausa Sub-Divisional Head-quarters, Jaipur District, where its working will be in ideal conditions in all respects. It has been established with a view to enable the Assistant Jailors having Refresher Course in the State to know the working of an ideal Judicial Lock-up for Under-trial prisoners.

Orissa - Activities of the Prison Department

1. The activities of the Jail Department have been mainly concentrated in the direction of prison

*Reproduced from The Guide Post, May 15, 1957.

reform on modern methods and, cultural improvement, recreational activities of prisoners in general, infusing in them a sense of responsibility and civic spirit which will help to mould them into good citizens.

2. Mass education is given in Jails through wholetime teachers, and the Jail libraries were improved to provide adequate facilities for literary improvement of prisoners. Bulletins containing up-to-date news are being prepared and distributed to the prisoners to keep them abreast of the times.

A manuscript magazine containing articles on various subjects (except politics) is being run by the prisoners of the Cuttack Jail, and a few copies of this magazine are circulated to the other Jails. This enables the prisoners to engage themselves in cultural activities during their spare time.

3. Released convicts who showed definite signs of reformation are now being entertained in Government service.

4. Imposition of the punishment of gunny clothing and cross bar fetters has been abolished as a measure of reformation.

5. The system of release of prisoners on parole has been introduced to raise the moral standard of the prisoners.

6. Selected convicts are appointed as convict warders with a view to infuse in them a sense of responsibility and to create incentive for good work.

7. Arrangements are being made to put up a separate ward in the proposed T.B. Hospital at Chandpur for treatment of prisoners suffering from T.B.

8. The jail tank at Balangir has been excavated by 20 prisoners on payment of wages. They evinced much interest and zeal in their work, and as a result of their earnest labour, much saving in time and money has been effected.

9. The Panchayat system among prisoners has been introduced in all the District Jails of the State, and is working satisfactorily.

10. The use of caps by prisoners of division III has been abolished.

11. The establishment of a model prison to afford sufficient scope for the training of prisoners in different crafts and vocations and with the prospect of marketing the produce of the jail so as to make the institution self-supporting, is under consideration.

12. The establishment of a Juvenile School is also under the consideration of Government.

13. Two Central Homes and seven District Shelters are being started for After-care Services.

* * *

Conferences

The Third All India Correctional Conference will be held at Trivandrum, Kerala State in November 1957, under the joint auspices of the Indian Correctional Association and the Kerala State After-Care Association. The Government of Kerala have agreed to extend the necessary facilities to conduct the conference. Full particulars about the conference may be had from the Secretary-General, Indian Correctional Association, 95, Mount Road, Madras-18.

* * *

The third meeting of the All India Jail Manual Committee has also been proposed to be held at Trivandrum immediately before or after the Correctional Conference.

THE INDIAN CORRECTIONAL ASSOCIATION

deeply regrets to record the premature death

on 16—6—1957

OF

Sri P. N. SAXENA, B.Sc.,

CHIEF PROBATION OFFICER, UTTAR PRADESH.

FOUNDER-MEMBER,

SECRETARY OF THE EASTERN REGION OF THE ASSOCIATION

AND

MEMBER, EDITORIAL BOARD,

THE INDIAN CORRECTIONAL JOURNAL

JL
Y14:65m2,N57Ic
N57.1.2
தமிழ்நாடு ஆவணக் காப்பக நூலகம்
193340

INDIAN CORRECTIONAL ASSOCIATION

AIMS AND OBJECTS

(1) To promote and assist in promoting the Social Welfare of the community by the practice of Probation, Parole, After-Care and kindred social services of the Courts, Prisons and other correctional institutions;

(2) To stimulate, extend and develop Probation, Parole, After-Care and kindred social services throughout the country through conferences, legislation, publication and distribution of literature, and in other ways;

(3) To promote good and uniform standards in correctional work including Probation, Parole and After-Care, and to further all methods for the effective, scientific and humane treatment of delinquency and its prevention;

(4) To promote fellowship and co-operation among Correctional, Probation, Parole and After-Care Officers and all others who are concerned in the administration of justice and the treatment of delinquents; and

(5) To collect funds and to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

PROCEEDINGS OF THE ALL-INDIA CONFERENCE OF CORRECTIONAL OFFICERS, CALCUTTA

November 9th to 12th, 1956

★

PRINTED EXQUISITELY AND CONTAINING:

(1) Addresses by top-ranking experts in the Correctional field.

(2) Symposium on After-care.

(3) Panel Discussion on Probation.

(4) Legal Aid to the Poor.

(5) Open Prisons.

(6) Commercialised Vice, etc.

Valuable Hand-Book for Correctional and Law-enforcement Officers and Social Workers.

Price { **Rs. 2-50/- paper binding** / **Rs. 4-00/- cardboard ,,** } Postage extra

For copies, please apply to:

THE SECRETARY-GENERAL

The Indian Correctional Association

95, MOUNT ROAD, MADRAS-18.

Printed by Sri R. Ravaimanickam, at Ravai & Sons (Ravai Press), 148, Big Street, Madras-5 and published by Sri V. Krishna Menon, M.A., B.L., for the Indian Correctional Association, 95, Mount Road, Madras-18.